IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6331 OF 2004

Sou.Suman Laxman Madane & Anr. ...Petitioners.

V/s.

The General Manager,
The Ichalkaranji Urban Co-op. Bank Ltd. ...Respondent.

Shri S.V.Sadavarte, adv. for the Petitioners.

CORAM: R.S.Mohite, J.
DATE : 28th November, 2005.

P.C.:

1. This Petition is filed against two concurrent findings of the Lower Courts refusing decree sought by the Plaintiffs in a suit filed by the bank against their own father. It appears that father-Respondent No.3 had obtained the loan from the bank and did not repay the same. The Co-operative Court passed the decree in the year 1984. Decree had challenged but confirmed. Now the son and wife of the loanee are seeking injunction against the Bank in the suit filed in the year 1999, i.e. after 15 years of passing of the decree on the ground that they have 2/3 share in suit lands. The lower Court held that the loan was given for the benefit of the family. It appears to be an attempt to avoid the decree.

2. Hence, there is no substance in the Writ Petition and the same stands rejected.

(R.S.MOHITE, J.)